



PUBLIC NOTICE

Federal Communications Commission
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DA 06-403
February 22, 2006

COMMENTS INVITED ON APPLICATION OF TMC COMMUNICATIONS OF DELAWARE, INC. AND TMC OF VIRGINIA, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 06-40
Comp. Pol. File No. 748

Comments Due: March 8, 2006

Section 214 Application

Applicants: TMC Communications of Delaware, Inc. and TMC of Virginia, Inc.

On February 3, 2006, TMC Communications of Delaware, Inc. (TMC of Delaware) and TMC of Virginia, Inc. (TMC of Virginia) (collectively, TMC or Applicants), located at 9801 Washingtonian Boulevard, Suite 510, Gaithersburg, MD 20878, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its provision of certain domestic telecommunications services to customers located in Maryland and Virginia.

TMC indicates that TMC of Delaware and TMC of Virginia are wholly-owned subsidiaries of Telecommunications Management Consultants, Inc. TMC states that it currently provides local exchange, interexchange, and international services to customers in Maryland and Virginia using the underlying networks of Verizon, Cavalier Telephone, AT&T, Sprint, and Covad Communications. TMC asserts that it does not have funds available to make the necessary payments to its underlying network carriers, and that it must therefore shut down its business and discontinue service to approximately 270 customers located in Maryland and Virginia. TMC proposes to discontinue its provision of local exchange, interexchange and international services to these customers as of April 3, 2006 subject to the receipt of all necessary regulatory approvals.¹ TMC indicates that, on February 2, 2006, it provided all affected customers with written notice of its proposed discontinuance, by letters sent via U.S. mail, and in accordance with the requirements of section 63.71 of the Commission's rules. Finally, TMC asserts that it is a non-dominant carrier with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, TMC's application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this public notice, unless

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

the Commission notifies TMC that the grant will not be automatically effective. In TMC's application and notice to customers, TMC indicates that it anticipates discontinuing service on April 3, 2006, or as soon thereafter as the necessary governmental approvals can be obtained. Accordingly, pursuant to section 63.71(c) and the terms of TMC's application and notice to customers, absent further Commission action, TMC may terminate service to its affected customers on **April 3, 2006**. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **March 8, 2006**. Such comments should refer to **WC Docket No. 06-40 and Comp. Pol. File No. 748**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C.

20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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